

In the Court of Criminal Appeals of Texas

Peter Anthony Traylor,
Appellant

V.

The State of Texas,
Appellee

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FILED
COURT OF CRIMINAL APPEALS
1/18/2018
DEANA WILLIAMSON, CLERK
No. PD-0967-17

Motion for Extension of Time to File State's Brief

Comes Now the State of Texas, by and through the Criminal District Attorney of Collin County, Greg Willis, and tenders, pursuant to Texas Rule of Appellate Procedure 38.6(d), this motion for an extension of time to file the State's brief. In support of this motion, the State would show the following:

I.

The trial court below is the 366th District Court of Collin County. The style and number of this case in the court below is *The State of Texas v. Peter Anthony Traylor*, 366-82774-2010.

II.

Appellant was convicted of burglary of a habitation and sentenced to 20 years' confinement. Appellant's conviction was reformed to a lesser-included offense and remanded for new punishment. *Traylor v. State*, 2017 WL 3306357, No. 13-13-00371-CR (Tex. App.—Corpus Christi Aug. 13, 2017). This Court granted the State's Petition for Discretionary Review on December 13, 2017. *Traylor v. State*, No. PD-0967-2017.

III.

The State's brief was due on January 12, 2018. The State request that it be granted an extension until February 11, 2018. The State has not previously requested an extension of time in this case.

IV.

The case is not yet set for submission.

V.

The assistant district attorney that represented the State on appeal and who drafted the State's PDR left the Collin County Criminal District Attorney's Office to join another district attorney's office. This has required reassignment of the case to another attorney less familiar with the record and issues.

This case was pending over the Christmas, New Years, and Martin Luther King holidays during which this office has been closed multiple days as well as short staffed.

Undersigned counsel has been ill and unable to work for several days, as have another attorney in the unit and a staffer.

Undersigned counsel has substantial day to day management duties as chief of the appellate division of the Collin County District Attorney's Office. Moreover, counsel carries other appeals and writs on his docket, as well as handling expunctions and nondisclosures for the office. Since the PPDR was granted, counsel has handled approximately 12 nondisclosure matters and 39 expunction matters.

Counsel is currently drafting briefs for an accelerated appeal in *In the matter of N.G.*, No. 05-17-01255-CV, due January 29, 2018, as well as two pending criminal appeals.

Counsel is currently drafting the State's response and proposed findings of fact and conclusions of law in *Ex parte Jason Sewell*, No.W219-82792-2013-HC, an 11.07 writ proceeding in which the trial court conducted an evidentiary hearing.

Wherefore, premises considered, the State respectfully requests that the Court grant an extension of time for the State to file its brief until February 11, 2018.

Respectfully submitted,

Greg Willis
Criminal District Attorney

/s/ John R. Rolater, Jr.
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Certificate of Service

A true copy of this Motion for Extension of Time to File the State's Brief has been served on counsel for Appellant, Marc Fratter, mfratter@yahoo.com, and the State Prosecuting Attorney, Stacey.Soule@spa.state.tx.us, by electronic service on January 18, 2018.

/s/ John R. Rolater, Jr.
John R. Rolater, Jr.